

FILED

AUG 01 2013

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY uck DEPUTY

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

BASILE DASKALAKIS,)
)
Petitioner,)
)
vs.)
)
LORI JORDAN,)
)
Respondent.)

No. CIV-13-620-W

ORDER

On June 28, 2013, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation in this matter and recommended that the Petition for Writ of Habeas Corpus ("Petition") filed by petitioner Basile Daskalakis be summarily dismissed. Daskalakis was advised of his right to object, see Doc. 9 at 5, but no objections have been filed within the allotted time.¹

Upon review of the record and in the absence of any objection,² the Court finds that Magistrate Judge Erwin has fully and accurately dealt with the issues presented by Daskalakis in his Petition, and it concurs abstention is warranted.

¹The Clerk of the Court mailed Magistrate Judge Erwin's Report and Recommendation to the return address listed by Daskalakis on the envelope in which he mailed his Petition. See Doc. 1 at 15; e.g., Rule 5.4(a), Rules of the United States District Court for the Western District of Oklahoma (papers sent to last known address deemed delivered). The Report and Recommendation was returned by the United States Postal Service to the Clerk, see Doc. 10 at 8; the envelope bore the notation "Return to Sender Insufficient Address Unable to Forward." Id. Rule 5.4(a), supra, requires pro se litigants to provide the Court with a mailing address and to file with the Clerk notice of any change of address. Daskalakis has not complied with this Rule.

²In the absence of an objection, the Court may review the Magistrate Judge's Report and Recommendation under any standard that the Court deems appropriate. E.g., Thomas v. Arn, 474 U.S. 140, 150 (1985)(Congress did not intend to require district court to review magistrate's factual or legal conclusions under any standard when neither party objects); Summers v. Utah, 927 F.2d 1165, 1167 (10th Cir. 1991)(district court accorded considerable discretion with respect to treatment of unchallenged magistrate reports).

Accordingly, the Court

- (1) ADOPTS the Report and Recommendation [Doc. 9] filed on June 28, 2013; and
- (2) DISMISSES this matter without prejudice.

ENTERED this 1st day of August, 2013.


LEE R. WEST
UNITED STATES DISTRICT JUDGE